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MEXICAN RELATIONS.

LETTER OF GOV. R. B. HUBBARD, OF TEXAS,
TO PRESIDENT HAYES.



EXECUTIVE OFFICE, }
AUSTIN, TEXAS, January 8, 1878. }

To His Excellency RUTHERFORD B. HAYES,
President of the United States:

SIR: — I have the honor to acknowledge the promptness and spirit of justice which have characterized your official action in reference to the appeals of the Executive of this State in the matter of the late troubles on our Mexican frontier.

In the demands which I made, under the extradition treaty, for fugitives from justice, in connection with the Rio Grande City and the Duval and Hidalgo county affairs, as well as my recent request for United States troops to aid in suppressing insurrection, as well as invasion of our territory by Mexican citizens (of which I was officially advised) at San Elizario, your ready compliance with that request deserves, as it has received, the earnest thanks of the State government and the people of Texas.

The questions involved are of great moment to Texas. Much misconstruction and misapprehension have arisen beyond our limits as to the motives and policy as well as to the facts which have caused us to invoke the intervention of the general government. To the end that those motives and those facts may be placed in a formal and official shape before your Excellency and the Congress, this paper is submitted.

The Anglo-American and the Hispano-American represent different political ideas. The Spanish government has been based on the one man principle: The history of Spain shows that the character of the reigning sovereign impressed itself upon the country during his administration—an able monarch made a prosperous and happy people, and a weak one brought distrust and discontent. The clergy ruled the king—Church and State were united. The Spanish colonies were modeled after the metropolitan government.

In quite all the governments of North, Central, and South America,

Mexican Relations.

peopled by Hispano-Americans, there is a religion of State—an attempt to establish a national conscience.

In Mexico there is a practical union of Church and State, notwithstanding unfriendly legislation during the days of Juarez, succeeding the Empire.

The United States was colonized by men who fled from persecution, who claimed the right of free thought and free speech, and deprecated the alliance of Church and State.

The advocates of these different political systems came in contact in Texas. They were unable to effect a compromise—there was no middle ground upon which they could stand. A contest ensued. The inhabitants of Texas planted themselves upon the broad principles of Republicanism, set forth in the Declaration of Independence, and guaranteed to every citizen by the Constitution. The government of Santa Ana was the exponent of Spanish ideas. The battle of San Jacinto gave to the cause of liberty and constitutional government "a local habitation and a name." The United States annexed Texas, and inherited the war. The treaty of Gaudalope-Hidalgo confirmed the title of the United States to Texas and other acquisitions. Our government discharged all the obligations of that treaty except one, which was found impracticable, and for which failure she made amends and was exonerated.

Mexico has violated almost every article of that and of every treaty she made with us. She seized goods introduced during the occupation of her territory by our troops, and sold them for her own benefit, in contravention of the treaty. She permitted citizens of the United States, resident within her limits, to be robbed of their property, to be maltreated, and in many instances murdered, as the evidence before the Mixed Commission abundantly proves. She established the Zona Libre—free belt,—a line six miles in width and nearly one thousand miles in length, beginning at the Rio Grande, and ending at El Paso, following the sinuosities of the Rio Grande nearly three thousand miles in length. Into that belt goods, wares, and other merchandise can be introduced and sold free of duty. This law is in direct violation of the Constitution of Mexico. It is a discrimination against the United States, because it includes territory co-terminous with ours, and extends to no port on the Gulf of Mexico or the Pacific Ocean. It is hostile in interest to the United States. It is a blow aimed at our commerce and our merchants doing business in the valley of the Rio Grande; it has dwarfed the former and almost ruined the latter. Compare the entries made at Brazos Santiago *now*, and previous to 1861, and the proposition is fairly demonstrated.

For more than twenty years Mexico has permitted her citizens to set on foot, upon her territory, expeditions to invade the United States, murder her citizens, and plunder them. In 1859, Juan Nepomuceno Cortina placed himself at the head of one of these expeditions. He captured Brownsville, assassinated six of its citizens; he robbed United States mails, fired upon her soldiers, made war upon her flag, and General Heintzelman said he "desolated one hundred and twenty miles of her frontier." *He was sustained by the authorities of Mexico.* He obtained from that country men and means. Instead of being punished for his

crimes, the Mexican government rewarded him by making him a Brigadier-General in her army. At one time he was sent to the Rio Grande as commander of that line and the representative of the supreme government. While in that high position he was the recognized leader of the raiders. He was an accessory of murderers and the partner of cattle and horse thieves. He systematized the predatory war waged upon us, and snatched from his partisans a lion's share of the spoils. He entered into a contract with a Cuban house to furnish them with bees. He sent raiders into Texas to obtain them. He placed them on board a steamer, with the *original brands undefaced*. Captain McNally fought, and defeated one of his predatory bands, within twelve miles of Fort Brown, and recaptured several hundreds of cattle.

In 1872, Capt. Sabas Garcia, a captain in the regular army of Mexico, made hostile incursion into Texas at the head of his company. He arrested citizens of the United States, held them as prisoners, and crossed a large herd of stolen cattle into Mexico, at Galveston Ranche, about twenty-five miles above Brownsville. He repeated his raids.

Alijos Sanches, another Mexican officer, invaded Texas with troops in the service of Mexico, robbed Albert Champion of horses, and the animals were reclaimed from the possession of General Cortina.

Cattle stolen from Texas owners have been seized by custom house guards—the thieves permitted to escape. The owners, or their authorized agents, have demanded them from the Mexican Collector of Customs, and he has refused to deliver them, on the pretext that the animals had been introduced into Mexico contrary to law. They have been condemned and sold, and the proceeds have gone into the Treasury of Mexico. These things have happened at Reynosa and Camargo. In no instance did the Mexican authorities deny that they knew the animals had been stolen in Texas and driven into Mexico against the wishes of the real owners.

In Matamoros, a municipal tax was levied upon every animal sold within corporate limits. The brands were registered, and it was an acknowledged fact that the authorities were making money out of property robbed from the people of Texas.

The evidences derived from the reports of the military, of civil officers, of legislatures, of congressional committees, United States commissioners, State and Federal grand juries, and from affidavits of citizens of unquestioned veracity, prove:—

1. The nature and extent of the predatory war.
2. That custom house officials have been murdered, custom houses taken and robbed, post offices robbed and burned, hundreds of citizens killed,—some tortured;—William McMahan, for instance, had his legs cut off, and was forced to walk on the stumps; Murdock was chained, “a harrow placed on him, and he was burned, while in his own house in nine miles of Corpus Christi;”—and women have been made prisoners and subjected to treatment too horrible to mention.
3. Millions of dollars' worth of property has been taken from Texas owners, carried into Mexico, and sold in the public markets.
4. Mexico has furnished an asylum for the robbers, and a place of deposit for their stolen goods.

5. The Mexican government has been notified many times by ours of the existence of these evils; she has not restrained her citizens, and she refuses to permit the United States to break up the hostile bands which commit the atrocities, and has declared an attempt to do so a cause for war.

6. She has refused to execute the extradition treaty, by not surrendering raiders, who were themselves "enemies of mankind," by breaking the jail of Starr county, releasing prisoners therefrom, and wantonly wounding our peace officers, and by turning loose fugitives under indictment for murder in Texas, and regularly demanded by our Commissioner of Extradition.

7. She has afforded asylum to Indians, and permitted them to use her territory to set on foot expeditions to invade the territory of the United States, and to wage savage warfare upon the people of Texas, including within its scope every age and sex. Children have been captured in Texas, carried into Mexico, and held as slaves. [See case of *Smith and others, before United States Frontier Commission.*]

The property stolen by the Indians has been sold publicly in Mexico, and contracts for outfitting Indians enforced by the Mexican authorities.

Under the extraordinary circumstances — a state of affairs worse to the residents of Western Texas than war, and to which no people in modern times have been subjected — what is the duty of the United States?

To answer properly, it will be necessary to refer to standard authorities on international law. According to Wheaton: "Cicero, and after him the modern public jurists, define a State to be a body politic, or 'society of men united together for the purpose of promoting their mutual safety and advantage by their combined strength.' *International Law*, § 17.

Vattel says: "The end or object of civilization is to procure for the citizens whatever they stand in need of for the necessities, the conveniences, the accommodation of life, and, in general, whatever constitutes happiness, — with the peaceful possession of property, a method of obtaining justice, and, finally, a mutual defense against all external violence." *Laws of Nations, Book I*, § 15.

He declares the engagements to be mutual between all the members of the political body, and that "they can in no otherwise be fulfilled than by maintaining the political association. The entire nation is then obliged to maintain that association; and as their preservation depends on its continuance, it thence follows that every nation is obliged to perform the duty of self-preservation." *Book I, Chap. 2, § 17, side page 5.*

In Section 17, he clearly points out the duty of a State to its citizens: "If a nation is obliged to preserve itself, it is no less obliged carefully to preserve all its members. The nation owes this to itself, since the loss even of one of its members weakens it, and is injurious to its preservation. It owes this, also, to the members in particular, in consequence of the very act of association; for those who compose a nation are united for their defense and common advantage; and none can justly be deprived of this union, and of the advantages he

"expects to derive from it, while he, on his side, fulfills the conditions." * * * Again he says: * * * "The body of a nation cannot, "then, abandon a *province*, or even a *single individual* who is a part of "it, unless compelled to it by necessity, or indispensably obliged to it "by the strongest reasons founded on the public safety." *Vattel, side page 6.*

In continuation, he observes: "Since, then, a nation is obliged to "preserve itself, it has a right to everything necessary for its preservation."

The right of protection goes with the citizen to every part of the globe. He can claim it wherever business or pleasure calls him. It is extended alike to the native-born and the naturalized citizen. In the case of Martin Costa, it was given where only a declaration of intention to become a citizen of the United States had been made. He was a Hungarian; had taken part in the revolution against Austria, headed by Kossuth. After living some time in the United States, he went to Smyrna, in the Turkish dominions; was seized by Greek hirelings, under the Austrian flag, and carried aboard the Austrian war vessel, the Huszar, and released by the intervention of Captain Ingraham, of the St. Louis. His action was endorsed by the President. Mr. Hulsemann complained, and Mr. Marcy, then Secretary of State, replied, September, 26, 1853: "Mr. Hulsemann, as the undersigned believes, falls into "a great error—an error fatal to some of his most important conclusions—by assuming that a nation can properly extend its protection "only to native-born or naturalized citizens. This is not the doctrine "of international law, nor is the practice of nations circumscribed "within such narrow limits. This law does not, as has been before "remarked, complicate questions of this nature by respect for municipal codes. In relation to this subject, it has clear and distinct rules "of its own. It gives the national character of the country not only to "native-born and naturalized citizens, but to all residents in it, who are "there with, or even without, an intention to become citizens, provided "they have a domicile therein." *Message and Documents, 1853-4, Part I., page 40.*

This indicates who are to be protected, and statesmen have agreed upon the reasons why this protection should be so broad and comprehensive.

There is another feature in the matter. Protection is the price the State pays the citizen for his allegiance. In September, 1814, the British took Castine, in Maine, and held it until peace was concluded, in February, 1815. The British government exercised supreme authority over the place; established a custom house, and regulated the tariff upon goods imported. Upon the evacuation of the place by the British, the United States resumed possession, and demanded payment of duties upon goods imported during the British occupation. In a case appealed to the Supreme Court, Judge Storey delivered the opinion, from which an extract is here made:—

"Under the circumstances, we are all of opinion that the claim for "duties cannot be sustained. By the conquest and military occupation "of Castine, the enemy acquired that firm possession which enabled

"him to exercise the fullest rights of sovereignty over that place. The "sovereignty of the United States over the territory was of course sus- "pended, and the laws of the United States could no longer be right- "fully enforced there, or be obligatory upon the inhabitants who remain- "ed and submitted to the conquerors. By surrender, the inhabitants "passed under a temporary allegiance to the British government, and "were bound by such laws, and such only, as it chose to recognize and "impose. From the nature of the case, no other laws could be obliga- "tory upon them; *for where there is no protection, or allegiance, or sov- ereignty, there can be no claim to obedience.*" U. S. v. Rice, 4 Wheaton, 254.

Had the fortunes of war left Castine in permanent possession of England, the people of that place would have become *bona fide* subjects of his British majesty.

The reasons for protection lie at the very foundation of States. Public jurists have indicated emergencies calling for the exercise of the great sovereign power of self-preservation.

Where a nation receives an injury from another, *or from the citizens of another State*, it has a perfect right to institute measures of defense. Vattel says:—

"It is safest to prevent the evil, when it can be prevented. A nation "has a right to resist an injurious attempt, and to make use of force "and every honorable expedient against whosoever is actually engaged "in opposition to her, and even to anticipate his machinations." * * * Book II., Chap. 4, § 50.

"Finally, the offended party have a right to provide for their future "security, and to chastise the offender. * * * They may even, if "necessary, disable the aggressor from doing further injury." Ib., § 52.

It is laid down as a principle, that "the nation or the sovereign ought "not to suffer the *citizens* to do an injury to the subjects of another "State, much less to offend the State itself. * * * But if a nation, "or its chief, approves and ratifies the act of the individual, it then be- "comes a public concern; and the injured party is to consider the na- "tion as the real author of the injury, of which the citizen was perhaps "only the instrument." Ib., §§ 72, 73.

Again: "If the offended State has in her power the individual who "has done the injury, she may, without scruple, bring him to justice "and punish him. If he has escaped and returned to his own country, "she ought to apply to his sovereign to have justice done in the "case. * * *

"And since the latter ought not to suffer his subjects to molest the "subjects of other States, or to do them an injury, much less to give "open, audacious offense to foreign powers, he ought to *compel the trans- gressor to make reparation for the damage or injury*, if possible, or to in- "flict on him an exemplary punishment; or, finally, according to the "nature and circumstances of the case, *to deliver up to the offended State*, "to be there brought to justice. This is pretty generally observed with "regard to great crimes, which are equally contrary to the laws and "safety of nations. Assassins, incendiaries, and robbers are seized "everywhere at the desire of the sovereign in whose territory the crime

"was committed, and are delivered up to his justice." *Vattel, Book II, Chap. 6, §§ 75, 76.*

In Section 77, Vattel affirms that "the sovereign who refuses to cause reparation to be made for the damage done by his subject, or to punish the offender, or, finally, to deliver him up, renders himself in some measure an accomplice in the injury, and becomes responsible for it."

"Finally, there is another case where the nation in general is guilty of the crimes of its *members*. That is, when, by its manners and by the maxims of its government, it accustoms and authorizes its citizens indiscriminately to plunder and maltreat foreigners, and to make incursions into the neighboring countries, etc. * * * The princes whose subjects are robbed and massacred, and whose lands are infested by those robbers, may justly level their vengeance against the violation at large. Nay, more: have a right to enter into a league against such a people, to repress them, and to treat them as the common enemies of the human race." *Ib., § 78, side page 164.*

Phillimore says: "The right of self-preservation is the first law of nations, as it is of individuals. A society which is not in a condition to repel aggression from without, is wanting in its principal duty to the members of which it is composed, and to the chief end of its institution." *Phillimore on International Law, Vol. 1, Chap. 9, § 209, side page 225.*

"CCXIII. We have hitherto considered what measures a nation is entitled to take for the preservation of her safety *within* her own dominions. It may happen that the same right may warrant her in extending precautionary measures *without* these limits, and even in transgressing the borders of her neighbor's territory. For international law considers the right of self-preservation as prior and paramount to that of territorial inviolability, and where they conflict, justifies the maintenance of the former at the expense of the latter right.

"The case of conflict, indeed, must be indisputable, *pomeridiana luce clarior*, in the language of canonists. Such a case, however, is quite conceivable. A rebellion, or a civil commotion, it may happen, agitates a nation; while the authorities are engaged in repressing it, bands of rebels pass the frontier, shelter themselves under the protection of the coterminous State, and from thence, with restored strength and fresh appliances, renew their invasions upon the State from which they have escaped. The invaded State remonstrates. The remonstrance, whether from favor to the rebels or feebleness of the executive, is unheeded, or at least the evil complained of remains undressed.

"In this state of things, the invaded State is warranted by international law in crossing the frontier, and in taking the necessary means for her safety, whether these be the capture or dispersion of the rebels, or the destruction of their stronghold, as the exigencies of the case may require." *Ib., side pages 226, 227.*

In illustrating this doctrine, Phillimore refers to the case of the Caroline, on the Canadian border, in 1838: "CCXVIII. In all cases where the territory of one nation is invaded from the country of another,—

"whether the invading force be composed of the refugees of the country invaded, or of subjects of the other country, or of both,—the government of the invaded country has a right to be satisfied that the country from which the invasion has come has neither by *sufferance* nor *reception* (*patientia aut receptu*) knowingly aided or abetted it. She must purge herself of both these charges, otherwise, if the cause be the feebleness of her government, the invaded country is warranted in redressing her own wrong by entering the territory and destroying the preparations of war therein made against her; or, if these have been encouraged by the government, then the invaded country has a strict right to make war upon that country herself; because she has afforded not merely an asylum, but the means of hostility to the foes of a nation with whom she was at peace. For it never can be maintained that however much a State may suffer from piratical incursions, which the feebleness of the executive government of the country whence they emanate renders it incapable of preventing or punishing, that until such government shall *voluntarily acknowledge* the fact, the injured State has no right to give itself that security which its neighbor's government admits that it ought to enjoy, but which the government is unable to guarantee."

It must be admitted that there is a practical acknowledgment of such imbecility which as much as a voluntary confession justifies the offended country in a course of action which would under other circumstances be unlawful. There is a very important chapter, both in Grotius and in his commentator Heineccius, entitled, "*De poenarum communicatione*," as to when the guilt of a malefactor, and its consequent punishment, is communicated to other than himself; and the question is particularly considered with reference to the responsibility of States for the conduct of their citizens. The tests for discovering— "*Civitatem delinquerit an cives?*" —are laid down with great precision and unanimity of sentiment by all publicists, and are generally reduced to two, as will be seen from the following extract from Burlemaqui (who repeats the opinion of Grotius and Heineccius): "In civil societies" (he says), "when a particular member has done an injury to a stranger, the governor of the commonwealth is sometimes responsible for it, so that war may be declared against him on that account. But to ground that kind of imputation, we must necessarily suppose one of these two things—sufferance or reception; viz.: either that the sovereign has suffered the harm to be done to the stranger, or that he has afforded a retreat to the criminal. In the former case, it must be laid down as a maxim that a sovereign who knowing the crimes of his subjects—as, for example, that they *practice piracy* on strangers,—and being able and obliged to hinder it, does not hinder it, renders himself criminal; because he has consented to the bad action, the commission of which he has permitted, and consequently furnished a just reason of war. The two conditions are absolutely necessary,—I mean the knowledge and sufferance of the sovereign are absolutely necessary, the one not being sufficient without the other to communicate any share in the guilt. Now, it is presumed that a sovereign knows what his subjects openly and frequently com-

"mit; and as to his power of hindering the evil, this likewise is always presumed, unless the want of it be clearly proved." *Ib.*, side pp. 230-2.

In support of Section 213, Mr. Phillimore quotes Vattel, Lib. III., Ch. 7, Secs. 133, 218; *Ib.*, Book II., Ch. 6, Sec. 72.

By the light of these great authorities, recognized among all civilized peoples, do we desire *our* rights to be determined and *our* conduct to be judged.

In all the past history of our relations with the Republic of Mexico, since annexation in 1845 and the consequent war of 1846, the civil government of Texas as well as the general government have been patient under wrongs inflicted, have frowned upon all attempts at filibustering or violations of neutrality laws, and have proposed only to demand the rights which international law and comity accords to all nations.

Mexico has incurred the guilt of permitting her citizens to set on foot expeditions to invade the United States, and to inflict upon the people of Texas all the horrors of inhuman warfare, and she has not properly endeavored to restrain them. All writers on international law agree that in such a case the aggrieved State has a perfect right to enter the territory of the offending power, and to break up the illegitimate combinations formed to wage unlawful warfare upon her; and it is no cause of war, the offending State has no right to complain, because her neighbor has been compelled to resort to measures of self-defense and self-preservation. Phillimore claims that the offended nation need not enquire whether the offending State has the ability to restrain her citizens. The naked fact of the incursions, murders, and robberies, and the use of the territory of the offending power by the robbers, justifies the aggrieved nation in resorting to ulterior measures.

When our government directed General Ord to follow marauders across the Rio Grande, President Diaz—represented to be better affected towards Americans than others having occupied that position— instructed his officers to repel force by force. Lerdo, the deposed President, in his forced exile issued a similar pronunciamento. Both treat the exercise of this undoubted right of self-defense as a *casus belli*.

The government and the people of Texas have exhausted every means of communicating to the general government a correct knowledge of their grievances. They have forwarded individual petitions, memorials of legislatures and conventions, reports and depositions, and for years they have waited for action adequate to give the frontier of Western Texas protection. Up to the present there is insecurity to person and property on the Rio Grande. The only hope of protection and redress is in the general government. It would be folly to expect any change for the better, as far as the Mexican government is concerned. A people who make war upon their own government; who raise the standard of revolt and levy contributions upon their fellow-citizens, and misapply them; who recognize revolutions as an element of political reform; who decide elections by the bayonet; who disregard treaties, and who have no confidence in each other; who disregard, *in fact* if not in diplomacy, all the obligations of national comity and good neighborhood, cannot be looked to with any prospect of success in a case in-

volving the interests and welfare of a nation they regard as hereditary enemies, and hate with unquestioned intensity.

The correspondence between the Executive of Texas, the Extradition Commissioners, and the Mexican authorities, touching the Rio Grande City jail-breaking and release of indicted felons, and touching, likewise, the five indicted murderers from Duval and Hidalgo, who, after formal demand under the treaty, were turned loose in the streets of Matamoros—all this, together with the explicit military correspondence of Gen. E. O. C. Ord, commanding this department, show conclusively the bad temper of the *people* and *officers* of the border States of Mexico towards this country.

Granting that President Diaz, whether from considerations of prospective recognition by the United States, or from an honest desire to cultivate friendly and commercial relations with this country, *intends* to enforce obedience to international laws and treaties from his border people, the past and present, *at least*, do *not* furnish us with any hope that he will succeed. Troops may be—as they are said to be—coming to his Eastern frontiers from the city of Mexico. They will *not*, if the future is to be judged by the past, obey their President in any case involving the extradition of *Mexican citizens proper*, or of American citizens naturalized, but who are of Mexican blood.

But granting, also, that for the *future* all may be well, and peace and protection should reign on the extended boundary line of the Rio Grande, does that absolve the Republic of Mexico from reparations for wrongs committed on person and property of Texas citizens in the past? What action has been taken by the Mexican government looking to *legal* and *national* satisfaction for these latest outrages (now placed before the government), as well as for the numerous instances *heretofore* recited, and made the subject of a grave official report to Congress by a committee of its most able and impartial members? (See report on "Mexican Outrages," of Hon. G. Schleicher, Banks, Lamar, and others.)

The only answer—understood if not expressed—we have received to all these complaints has been—

"Let the dead past bury its dead."

A memorial goes to the State Legislature from our frontiers; joint resolutions—as for thirty years—are adopted; Senators and Representatives present them to our Congress; and the result has generally been, statutory *promises for better protection in the future*; more troops, more railroads, more ships, and more coastwise commerce and reciprocity treaties, are vouchsafed. But we are still made to feel, by *expressive silence*, that property already stolen, homes already plundered, citizens already murdered, belong to the *past*, which comes not back again! The result is, Texas has been compelled to spend nearly two millions of her own money to maintain her own soldiers on a line nearly one thousand miles long, both of Mexican and Indian border.

Texas does not want war. Her members of Congress have recently told the country, faithfully and truly, that we only want *protection now and for the future and just reparation for the past*. Our material interests would not be profited, and surely the destruction of precious life,

more valued than gold, urges the avoidance of war by *every means* known to national honor. The present Executive of Texas has taken every precaution to avoid conflict—a conflict which he might have precipitated at any hour or day. He has subjected his troops to the orders of the United States department commander in all matters touching crossing the Rio Grande in pursuit of raiders or robbers from Mexico. The correspondence with General Ord—now published by order of Congress—shows this most conclusively. In demands for “fugitives from justice,” under the extradition treaty, no courtesy even known to enlightened diplomacy has been neglected; nor has any boastful threats been uttered by our official extradition agents, in word or in writing, towards our weaker neighbor.

Whether from an unmanly fear that war would depress the values of American bonds they may hold, or for the time interfere with pet-schemes of speculation at the capital of Mexico, or from that lurking distrust or hatred of *any measure* looking to redress of wrongs which Texas has borne—whether from one or all of these motives, *certain it is* that injustice, gross injustice, has been done to the government and the people of this State by the false charges coming from beyond her borders that *Texas wants war*, for its own sake, or for selfish ambition! We have asked for our rights only—even-handed justice,—based on the Rio Grande City and the Duval and Hidalgo outrages, and we have been denied them positively and even rudely.

We followed the same prudent course in the recent El Paso troubles. A cool, sagacious officer (Major Jones), was sent to that distant scene of trouble. He said to both Texan and Mexican citizens that we wanted no violence, and no interference by their kindred on the Mexican side of the Rio Grande. Peace was restored; a detachment of State rangers was stationed there. Twenty days had not passed before a mob, composed largely of *Mexican citizens*, broke their pledges of peace and became drunk with riot and blood. It has been said that the *Mexican government* has nothing to do with these “*local affairs*.” The Republic of Mexico, *as such*, doubtless, did not *order* the raiders to break the jail at Rio Grande City, or to release Texas murderers at Matamoros. Nor is it charged that President Diaz *ordered actual citizens of Mexico* to aid the mob—as they did—who recently set at defiance the civil authority, attacked our citizens and soldiers at San Elizario, forced them to surrender by base treachery, and then cowardly shot to death three of these betrayed *Texas citizens* by the merciless fusilade.

But this massacre loses nothing of its horrible significance when the commander of the Texas rangers makes official report—as he does—that these men “*were placed in front of their open graves and shot to death by a detail of nine citizens of Mexico from across the Rio Grande!*” * *

Yet, who will in this age deny that for all these acts of her *people*, Mexico must make *amends*, by every principle of international law we have recited and invoked, and thus, and thus only, clear her national skirts of the great crime committed by her own *citizens*?

If, indeed, that government acknowledges the crimes of her citizens, punishes them herself, or allows us to do so, and makes proper reparation for the persons and property destroyed, then surely we have no

claim on a country who thus rises at once to the dignity of a great and Christian power.

If she refuses to thus account for the criminal acts of her individual citizens, whether alone or in mobs, then their government *is responsible*; and the "argument being exhausted," a resort to the last arbiter of nations would be unfortunately the only alternative.

To the wisdom and to the justice of the President and of the Congress we submit this plain statement of our case. Reiterating again that the people and the government of Texas desire nothing but honorable peace at home and abroad, based upon a mutual observance of comity and national treaties for the *future* and an equitable adjustment of mutual claims of reparation for the *past*,

I have the honor to be, sir,

Very respectfully,

Your obedient servant,

R. B. HUBBARD,

Governor of Texas.

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